

NOTICE OF PROPOSED RULEMAKING

TITLE 12. Natural Resources

CHAPTER 4. Game and Fish Commission

PREAMBLE

1. **Sections Affected** **Rulemaking Action**

 R12-4-102 Amend

 R12-4-203 Amend

2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

 Authorizing statute: A.R.S. § 17-231

 Implementing statute: A.R.S. § 17-333

3. **A list of all previous notices appearing in the Register addressing the proposed rule:**

 Notice of Docket Opening: 12 A.A.R. 2577, July 21, 2006

 Notice of Proposed Rulemaking: 12 A.A.R. 2558, July 21, 2006

 Notice of Termination of Rulemaking: TBP

 Notice of Docket Opening: TBP

4. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

 Name: Carlos Ramírez, Rulewriter

 Address: Arizona Game and Fish Department

 2221 W. Greenway Rd DORR

 Phoenix, AZ 85023-4399

 Telephone: (602) 789-3288

 FAX: (602) 789-3677

5. **An explanation of the rule, including the agency's reasons for initiating the rule :**

 Amendments made to A.R.S. § 17-333 during the 2005 legislative session established new licenses and gave the Commission the authority to prescribe new licenses and accompanying fees for the purposes of wildlife

management. The Commission amended its rules earlier this year to implement these statutory changes, but this rulemaking will implement additional necessary changes.

Although statute prescribes the wildlife privileges given under the Class L license, the statute directs the Commission to prescribe the stamps and tags for the Classes M and N licenses. As authorized under A.R.S. § 17-333, purchase of a Class M super conservation hunting license provides the license holder with the same privileges as a Class G general hunting license. Purchase of a Class N super conservation hunting and fishing license provides the license holder with the same privileges as a Class F combination hunting and fishing license and a Class U urban fishing license. The privileges of the Class M and N super conservation licenses also include nonpermit-tags for archery deer, archery turkey, fall bear, and mountain lion, the Unit 12A (North Kaibab) Habitat stamp, the Arizona state migratory bird stamp, and the Arizona migratory waterfowl stamp. Additional nonsubstantive amendments will be made to clearly state the privileges given under statute by purchasing a Class L super conservation fishing license.

Amendments will also be made to correct the fee for a Class I family fishing license prescribed during the previous rulemaking and to clarify the privileges of a Class C and D fishing license. The surcharge authorized under A.R.S. § 17-345 was mistakenly applied to the Class I license twice. The Department proposes to amend the fee for the Classes C and D licenses to clearly state that any additional days purchased for this license must be consecutive.

The Department proposes to amend the rule further by reducing the fee for Class A nonresident general fishing license from \$88.00 to \$70.25. In the Department's previous rulemaking, it charged the maximum fee for the license, plus the \$3.00 surcharge authorized under A.R.S. § 17-345. The Department's intent was to increase the Class A fee by adding 50% of the difference between the statutory fee cap recently amended in statute (\$85.00) and the previous statutory cap (\$49.50), plus the \$3.00 surcharge authorized under A.R.S. § 17-345. The resulting fee would be \$70.25. The Department also wishes to further correct its fees by amending the fee for a fur dealer license. The current fee is \$115.50 and will be amended to \$115.00, reducing it by fifty cents.

The Department will also amend the rule to create new Class F combination hunting and fishing licenses and Class G general hunting licenses for children ages ten to thirteen. When the Department last amended this rule, it authorized the Class J family hunting license and the Class K family combination hunting and fishing license. Under these licenses, a parent could obtain a license for their child, age ten to thirteen, for an additional fee. The Department wishes to be consistent by creating hunting licenses and combination hunting and fishing licenses for this age group that are not dependent on parental purchase. Under the authority granted under A.R.S. § 17-333(B), the Game and Fish Commission has the authority to establish subclassifications within a class of license, permit, or tag and set a fee for those subclasses. The resident and nonresident Child Class F license for children age ten to thirteen will cost \$20.00 and the resident and nonresident Child Class G license for children age ten to thirteen will cost \$15.00.

The Department proposes to amend the list of hunt permit-tags to include pheasant. The fee will be clarified as well as clarification that a hunt permit-tag is not necessary for those hunting pheasant using archery or falconry.

Minor amendments will also be made to the list of stamps for which duplicates are not issued. The list will be amended to include the two-pole stamp, stamps for additional fishing days issued under the Class C and D licenses for both residents and nonresidents, and the Unit 12A (North Kaibab) Habitat Management Stamp.

The Department will also amend R12-4-203 principally to support the amendments made to R12-4-102. The Department will amend subsections (A)(1) to require possession of a current valid federal waterfowl stamp, as mandated by federal regulation for the take of ducks, geese, or swans. Both subsections (A)(1) and (2) will be amended to clearly state that a Class M or N super conservation license includes a state waterfowl stamp and a state migratory bird stamp. The Department will also delete blue grouse from the rule, because it is no longer necessary to obtain species information through the harvest information program. Both state and federal wildlife agencies have alternative, more effective means of gathering wildlife data on the species. Also, blue grouse is considered to be an upland game bird, not waterfowl nor migratory.

6. **A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**

The agency did not rely on any study in its evaluation of or justification for the proposed rule.

7. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.

8. **The preliminary summary of the economic, small business, and consumer impact:**

The Department anticipates that the proposed rulemaking will benefit the general public by clearly establishing the privileges given by purchasing a Class L, M, or N super conservation license. The proposed rulemaking will also benefit purchasers by giving them more opportunities to enjoy the state's wildlife resources. By giving purchasers more opportunities, hunters will help the Department more closely meet its management objectives for species for which nonpermit-tags are issued, such as bear or mountain lion. The Department will have to address administrative costs for documenting the sale of migratory bird and waterfowl stamps. However, purchase of a super conservation license will save the consumer \$32 for a Class M license, and \$43.00 for a Class N over purchasing all the tags and stamps separately. Amendments regarding the Class L license will not create significant impact. The amendments regarding the Class C, D, and I licenses will also not create a significant impact. Until the rulemaking becomes effective, the Department is pursuing additional means outside of rulemaking to ensure that the appropriate amount is charged to the regulated community. Reducing the fees for the Class A fishing nonresident license and the fur dealer license will ensure the correct amount is charged to the public. Prescribing new fees for Class F and G child licenses will benefit those eligible to purchase it, because they will not have to pay the youth or adult prices for the same privilege. This will result in a savings of \$6.50 for the resident Class F license and \$136.25 for the Class G license. Amendments made to clarify the list of items for which duplicates are not issued, amendments made to the privileges given by receiving a sandhill crane or pheasant hunt permit-tag, and the amendments to R12-4-203 will not affect the general public. The proposed rulemaking will not affect other agencies or businesses, or public or private employment. The Department has determined there are no alternate means of achieving the objective of the proposed rulemaking.

9. **The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Carlos Ramírez, Rulewriter
Address: Arizona Game and Fish Department
2221 W. Greenway Rd DORR
Phoenix, AZ 85023
Telephone: (602) 789-3288
FAX: (602) 789-3677

10. **The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule; or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Written comments will be accepted until 30 days after this notice is published. Public hearings to discuss this proposal will be held as follows:

Date: October 21-22, 2006
Time: TBD
Location: Hilton Garden Inn
4000 N. Central Ave.
Phoenix, AZ 85012

The Arizona Game and Fish Commission follows Title II of the Americans with Disabilities Act. The Commission does not discriminate against persons with disabilities who wish to make oral or written comments on proposed rulemaking or otherwise participate in the public comment process. Individuals with disabilities who need a reasonable accommodation (including auxiliary aids or services) to participate in the public comment process, or who require this information in an alternate form, may contact Dustin McKissen at (602)789-3288 (Voice); 1-800-367-8939 (TDD); 2221 W. Greenway Road, Phoenix, Arizona 85023-4399. Requests should be made as soon as possible so that the Arizona Game and Fish Department will have sufficient time to respond.

11. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

12. Incorporations by reference and their location in the rules:

Not applicable

13. The full text of the rules follows:

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

Sections:

R12-4-102. Fees for Licenses, Tags, Stamps, and Permits

R12-4-203. National Harvest Information Program (HIP); state waterfowl and migratory bird stamp

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

R12-4-102. Fees for Licenses, Tags, Stamps, and Permits

An individual who purchases a license, tag, stamp, or permit listed in this Section shall pay all applicable fees at the time of application, or pay fees as prescribed by the Director under R12-4-115.

Hunting and Fishing License Fees		Fees effective for licenses, tags, stamps, and permits to be used beginning in 2007
Class A, General Fishing License		
· Resident	\$18.00	\$23.50
· Nonresident Under A.R.S. § 17-333(A)(1), the fee for this license issued in November or December of the year for which the license is valid is half price; that includes half of the surcharge prescribed as authorized by A.R.S. § 17-345.	\$51.50	\$88.00 <u>\$70.25</u>
Class B, Four-month Fishing License		
· Nonresident	\$37.50	\$39.75
Class C, Five-day Fishing License		
· Nonresident	\$26.00	\$32.00 + \$9.00 for each additional <u>consecutive</u> day

Class D, One-day Fishing License		
· Resident	\$12.50	\$16.25 + \$8.00 for each additional <u>consecutive day</u>
· Nonresident		\$17.25 + 9.00 for each additional <u>consecutive day</u>
Class E, Colorado River Only Fishing License		
· Nonresident	\$42.50	\$48.75
Class F, Combination Hunting and Fishing License		
· Resident Adult	\$44.00	\$54.00
· Nonresident Adult	\$177.50	\$225.75
· Resident or Nonresident Youth. Fee applies before and through the calendar year of the applicant's 20th birthday.	\$25.50	\$26.50
· <u>Resident or Nonresident Child. Fee applies to children who will be at least ten years of age during the license year but will be less than fourteen years of age.</u>		<u>\$20.00</u>
Class G, General Hunting License		
· Resident	\$25.50	\$32.25
· Nonresident	\$113.50	\$151.25
· <u>Resident or Nonresident Child. Fee applies to children who will be at least ten years of age during the license year but will</u>		<u>\$15.00</u>

be less than fourteen years of age.		
Class H, Three-day Hunting License		
· Nonresident	\$51.50	\$61.25
· Resident Youth Group Two-day Fishing License	\$25.00	\$25.00
Class I, Resident Family Fishing License		
· For primary adult	\$28.50	\$39.25 <u>\$36.25</u>
· For one additional adult in the immediate family, as prescribed in A.R.S. § 17-333	+ \$22.80	+ \$31.40 <u>\$29.00</u>
· For any child in the immediate family, as prescribed in A.R.S. § 17-333	+ \$2.00 per child	+ \$2.00 per child
Class J Resident Family Hunting License		
· For primary adult		\$32.25
· For one additional adult in the immediate family, as prescribed in A.R.S. § 17-333		+25.80
· For any child in the immediate family, as prescribed in A.R.S. § 17-333		+\$15.00 per child
Class K Combination Resident Family Hunting and Fishing License		
· For primary adult		\$54.00
· For one additional adult in the immediate family, as prescribed in A.R.S. § 17-333		+\$43.20
· For any child in the immediate family, as prescribed in A.R.S. § 17-333		+\$20.00 per child
Class L Super Conservation Fishing License, <u>Gives the same</u>		

<u>privileges as a Class A General Fishing License, a Class U urban fishing license, and a trout stamp.</u>		
· Resident		\$53.00
· Nonresident		\$63.00
<u>Class M Super Conservation Hunting License. Gives the same privileges as a Class G General Hunting License, and includes a nonpermit-tag for archery deer, archery turkey, fall bear, and mountain lion, and a Unit 12A (North Kaibab) Habitat Management Stamp, a State Waterfowl Stamp, and a State Migratory Bird Stamp.</u>		
· Resident		\$118.00
<u>Class N Combination Super Conservation Hunting and Fishing License. Gives the same privileges as a Class F Combination Hunting and Fishing License and a Class U Urban Fishing License, and includes a nonpermit-tag for archery deer, archery turkey, fall bear, and mountain lion, and a Unit 12A (North Kaibab) Habitat Management Stamp, a State Waterfowl Stamp, a State Migratory Bird Stamp, and a trout stamp.</u>		
· Resident		\$163.00
Class U, Urban Fishing License		
· Resident or Nonresident <u>The fee for this license issued in November or December of the year for which the license is valid is half price. That includes half the surcharge prescribed as authorized by A.R.S. § 17-345.</u>	\$16.00	\$18.50

Hunt Permit-tag Fees		
Antelope		
· Resident	\$65.00	\$77.50
· Nonresident	\$325.00	\$477.50
Bear		
· Resident	\$14.50	\$22.25
· Nonresident	\$200.00	\$237.50
Bighorn Sheep		
· Resident	\$195.00	\$265.00
· Nonresident	\$1,000.00	\$1,400.00
Buffalo		
· Adult Bulls or Any Buffalo		
· Resident	\$750.00	\$1,087.50
· Nonresident	\$3,750.00	\$5,444.75
· Adult Cows		
· Resident	\$450.00	\$652.00
· Nonresident	\$2,250.00	\$3,255.25
· Yearling		
· Resident	\$240.00	\$355.25
· Nonresident	\$1,200.00	\$1,747.25
· Yearling or Cow		
· Resident	\$450.00	\$652.00
· Nonresident	\$2,250.00	\$3,255.25

Deer and Archery Deer		
· Resident	\$19.50	\$34.75
· Nonresident	\$125.50	\$225.25
· Junior, resident and nonresident		\$25.00
Elk		
· Resident	\$78.00	\$114.00
· Nonresident	\$400.00	\$587.50
· Junior, resident and nonresident		\$50.00
Javelina and Archery Javelina		
· Resident	\$12.50	\$21.25
· Nonresident	\$70.00	\$97.50
· Junior, resident and nonresident		\$15.00
Mountain Lion		
· Resident	\$10.00	\$14.50
· Nonresident	\$200.00	\$225.00
<u>Pheasant</u>		
· <u>Resident and nonresident, non-archery, non-falconry</u>		<u>Permit</u> <u>application fee</u> <u>only</u>
Turkey and Archery Turkey		
· Resident	\$11.00	\$18.00
· Nonresident	\$50.50	\$70.25
· Junior, resident and nonresident		\$10.00

Sandhill Crane		
· Resident or Nonresident	\$5.00	\$7.50
Nonpermit-tag and Restricted Nonpermit-tag Fees		
Antelope		
· Resident	\$65.00	\$77.50
· Nonresident	\$325.00	\$477.50
Bear		
· Resident	\$14.50	\$22.25
· Nonresident	\$200.00	\$237.50
Bighorn Sheep		
· Resident	\$195.00	\$265.00
· Nonresident	\$1,000.00	\$1,400.00
Buffalo		
· Adult Bulls or Any Buffalo		
· Resident	\$750.00	\$1,087.50
· Nonresident	\$3,750.00	\$5,444.75
· Adult Cows		
· Resident	\$450.00	\$652.00
· Nonresident	\$2,250.00	\$3,255.25
· Yearling		
· Resident	\$240.00	\$355.25
· Nonresident	\$1,200.00	\$1,747.25
· Yearling or Cow		

· Resident	\$450.00	\$652.00
· Nonresident	\$2,250.00	\$3,255.25
Deer and Archery Deer		
· Resident	\$19.50	\$34.75
· Nonresident	\$125.50	\$225.25
· Junior, resident and nonresident		\$25.00
Elk		
· Resident	\$78.00	\$114.00
· Nonresident	\$400.00	\$587.50
· Junior, resident and nonresident		\$50.00
Javelina and Archery Javelina		
· Resident	\$12.50	\$21.25
· Nonresident	\$70.00	\$97.50
· Junior, resident and nonresident		\$15.00
Mountain Lion		
· Resident	\$10.00	\$14.50
· Nonresident	\$200.00	\$225.00
Turkey and Archery Turkey		
· Resident	\$11.00	\$18.00
· Nonresident	\$50.50	\$70.25
· Junior, resident and nonresident		\$10.00
Sandhill Crane		
· Resident or Nonresident	\$5.00	\$7.50

Stamps and Special Use Permit Fees		
Arizona Colorado River Special Use Permit Stamp. For use by California fishing license holders, resident or nonresident.	\$3.00	\$3.00
Arizona Colorado River Special Use Permit Stamp. For use as prescribed by R12-4-312.	\$3.00	\$3.00
Arizona Lake Powell Stamp. For use by resident Utah licensees.	\$3.00	\$3.00
Bobcat Permit Tag. For resident or nonresident.	\$2.00	\$3.00
State Waterfowl Stamp, <u>as prescribe in A.R.S. § 17-333.01, resident or nonresident.</u> Validates a hunting license to allow the license holder to take waterfowl as prescribed in R12-4-203.	\$7.50	\$8.75
State Migratory Bird Stamp, as prescribed in A.R.S. § 17-333.03, resident or nonresident. Validates a hunting license to allow the license holder to take migratory game birds as prescribed in R12-4-203.	\$3.00	\$4.50
Trout Stamp. Validates a Class A license to allow the license holder to take trout.		
· Resident	\$10.50	\$15.75
· Nonresident	\$49.50	\$57.75
Two-Pole Stamp, resident or nonresident. Validates a fishing license to allow the license holder to engage in simultaneous fishing, as defined in R12-4-101.	The fee for a two-pole stamp shall be \$4.00 until September 1, 2006.	\$6.00

	Afterwards, the fee shall be \$5.00.	
Unit 12A (North Kaibab) Habitat Management Stamp, resident or nonresident. Sikes Act stamp, validates a hunting license to allow the license holder to take deer in unit 12A as prescribed by R12-4-204.	\$15.00	\$15.00
Other License Fees		
Game Bird Field Trial License	\$5.00	\$6.00
Game Bird Hobby License	\$5.00	\$5.00
Game Bird Shooting Preserve License	\$100.00	\$115.00
Fur Dealer's License	\$100.00	\$115.50 <u>\$115.00</u>
Guide License		
· Resident or Nonresident	\$100.00	\$300.00
License Dealer's License	\$75.00	\$100.00
License Dealer's Outlet License	\$25.00	\$25.00
Live Bait Dealer's License	\$30.00	\$35.00
Private Game Farm License	\$40.00	\$57.50
Sport Falconry License (3-year license)	\$75.00	\$87.50
Taxidermist License	\$50.00	\$150.00
Trapping License		
· Resident	\$10.00	\$30.00
· Nonresident	\$50.00	\$275.00

· Resident Juvenile	\$10.00	\$10.00
White Amur Stocking and Holding License		
· Non-business. Under R12-4-424, an individual that holds a non-business white amur stocking and holding license does not pay the required fee if renewing the license.	\$200.00	\$250.00
· Business	\$200.00	\$250.00
Zoo License	\$100.00	\$115.00
Administrative Fees		
Duplicate Fee. Duplicates are not issued for Trout Stamps, Arizona Colorado River Special Use Permits, Arizona Colorado River Special Use Permit Stamps, Arizona Lake Powell Stamps, State Migratory Bird Stamps, or State Waterfowl Stamps, <u>Two-Pole Stamps, Resident Additional Fishing Day Stamps, Nonresident Additional Fishing Day Stamps, and the Unit 12A (North Kaibab) Habitat Management Stamps.</u>	\$3.00	\$4.00
Permit Application Fee.	\$5.00	\$7.50

R12-4-203. National Harvest Information Program (HIP); state waterfowl and migratory bird stamp

A. An individual who takes ducks, geese, swans, doves, band-tailed pigeons, snipe, coots, or common moorhen, ~~or blue grouse~~ in Arizona shall participate in the National Harvest Information Program.

1. If the individual is taking ducks, geese, or swans, the individual shall possess an Arizona state waterfowl stamp, as prescribed in R12-4-101, and a current valid federal stamp that accompanies a valid Arizona hunting license. The state waterfowl stamp expires on June 30 of each year, except for stamps purchased under a Class M and N licenses, which expire December 31 of each year.

2. If the individual is taking doves, band-tailed pigeons, snipe, coots, or common moorhen, ~~or blue grouse~~, the individual shall possess an Arizona state migratory bird stamp that accompanies a valid state hunting license as prescribed in R12-4-101. The state migratory bird stamp expires on June 30 of each year, except for stamps purchased under a Class M and N licenses, which expire December 31 of each year.

B. The Department shall make state waterfowl stamps and state migratory bird stamps available annually.

1. To obtain a state waterfowl stamp or state migratory bird stamp, an individual shall pay the required fee and submit a completed ~~HHP~~ waterfowl or state migratory bird registration form to a license dealer or a Department office. The individual shall provide on the ~~HHP~~ waterfowl or state migratory bird registration form the individual's name, home mailing address, date of birth, and information on past and anticipated hunting activity.
2. A license dealer shall submit ~~HHP~~ waterfowl or state migratory bird registration forms for all state waterfowl stamps and state migratory bird stamps sold with the monthly report required by A.R.S. § 17-338.